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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DENNIS K. SUDBERRY,

11 Petitioner,

12 vs.

13 ISIDRO BACA, *et al.*,

14 Respondents.
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Case No. 3:14-cv-00662-RCJ-VPC

ORDER

17 This habeas matter is a 28 U.S.C. § 2241 petition by an inmate challenging a prison disciplinary
18 proceeding (ECF #1-1). On February 11, 2015, the court denied petitioner's application to proceed *in*
19 *forma pauperis* and directed him to pay the full filing fee of \$5.00 within thirty days (ECF #4).
20 Petitioner was expressly advised that failure to do so may result in the dismissal of this action. More
21 than the allotted time has passed, and petitioner has failed to pay the filing fee, seek an extension, or
22 respond to the court's order in any manner. Accordingly, the petition shall be dismissed without
23 prejudice.

24 **IT IS THEREFORE ORDERED** that the Clerk shall file the petition (ECF #1-1).

25 **IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice to the filing
26 of a new petition in a new action with either the full filing fee or a properly completed application form
27 to proceed *in forma pauperis* with the required financial documentation demonstrating that petitioner
28 is unable to pay the filing fee.

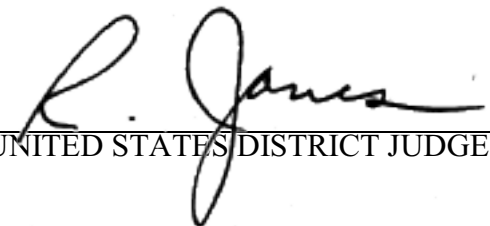
1 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists of
2 reason would not find the court's dismissal of this improperly commenced action without prejudice to
3 be debatable or incorrect.

4 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
5 application form to proceed *in forma pauperis* for incarcerated persons and a Section 2241 habeas
6 petition form, one copy of the instructions for each form, and a copy of the papers that he submitted in
7 this action.

8 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF #3)
9 is **DENIED** as moot.

10 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly and
11 close this case.

12 Dated this 27th day of April, 2015.

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16 UNITED STATES DISTRICT JUDGE
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